

TESTIMONY OF

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REGARDING

VOTING & ELECTION REFORM

BEFORE THE

U.S. SENATE

COMMITTEE ON COMMERCE, SCIENCE & TRANSPORTATION

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Mr. Chairman and Members of the Committee:

My name is Mary Jane O’Gara and I am a member of the Board of Directors of AARP. On behalf of the Association, I thank you for inviting AARP to offer its views regarding the use of technology to address some of the major issues related to voting and elections reform legislation.

The right to vote is the most basic of all political rights. The recent Presidential election of 2000 has brought to the forefront of the public’s attention the many inconsistencies that presently exist in the voting systems throughout the nation at all levels of government. These inconsistencies threaten the integrity of the election process. While all of the problems and inconsistencies revealed in the recent elections cannot be addressed within the scope of today’s hearing on technology solutions, many can be ameliorated. However, it is important that fair, bipartisan policy solutions in related areas be devised to accompany any technological innovations.

Examples of related areas are:

- discrimination in the registration and voting process,
- inconsistent interpretation and application of regulations;
- varying hours of operation and access;
- variances in notification about voting status and local polling sites;
- accessibility and user-friendliness of registration and polling sites and equipment;
- varying guidelines and criteria for mail-in and in-person registration and voting; and,
- differing circumstances about when verification is essential to register or vote.

Technological innovations are likely to be costly for most jurisdictions. AARP believes the federal government has a role to play in financing needed innovations. Any federal funding for voting and election reform should be conditioned upon satisfying specific procedural standards (“best practices”) in election administration and the elimination of practices that suppress voter participation, including but not limited to areas mentioned above.

AARP would like to lay out the principal policy areas that we see as needing reform, and proceed to address how technology might address some of those. The major federal statutes governing voting in this country such as the Voting Rights Act (VRA), the Voting Accessibility for the Elderly and Handicapped Act of 1984, the Americans with Disabilities Act (ADA) and the National Voter Registration Act (NVRA) establish voting rights and registration policy. While these statutes do not address questions of technology, technological innovations could have a tremendous impact on the fairness of how those statutory policies are implemented or enforced. Critical issues such as access to and the climate of both registration and polling sites are precursory concerns that are directly related to the utility of any voting technology innovation. In that regard, we believe Congress must take steps to ensure that voting and registration processes are:

- Fair (non-discriminatory and equitably interpreted, applied and enforced);
- Acceptably uniform (based on reasonably consistent, mandatory guidelines within constitutional limits);
- Accessible (such that persons with physical or other limitations are not discouraged from participating); and
- Protected against fraud (deliberate manipulation) and preventable mistakes (e.g. design flaws).

The recent election brought to light the fact that voting mechanisms lack uniform standards and in many locations have failed to keep pace with new technologies. Further, registration difficulties, physical barriers and other problems often disproportionately prevent minorities, the frail elderly and persons with disabilities from voting or from having that vote counted. Voting and registration procedures should be as user-friendly as possible, especially to accommodate the large number of Americans that move or temporarily relocate each year.

Since the NVRA became effective in 1995, states have been required to allow individuals to register to vote when they apply for a driver's license or other type of permit and to make registration forms available at a variety of state offices as well as through the mail. Preliminary studies on the law's impact suggest that registration rates have risen 3 to 13 times higher than in previous years. In states where the rise is relatively low, much of the variance can be attributed to some states having been less aggressive in implementing the law. While technology could improve the systems by which information about registration applicants could be shared among various agencies, processed and verified, those benefits are likely to be nullified if the atmosphere discourages or frustrates applicants. Such an atmosphere may be fostered through misinformation, lack of information or confusing and inconsistent information. One common example of practices that discourage voter participation is varying the hours and location of registration and polling sites without sufficient public notice.

Another area of law that could benefit from improved technology would be the Voting Accessibility for the Elderly and Handicapped Act. The statute's voluntary state reporting guidelines remain although mandated reporting sunset in 1995. Thus, the Federal Election Commission (FEC) can no longer require reporting. Technology could make such reporting requirements simple and easy to share within and across jurisdictions, enabling voters to be directed to alternative accessible sites. Unfortunately, lack of a mandate or resources to encourage states present a barrier. In the 1992 general elections, the last elections for which the law required an FEC report to Congress, 42 of 52 states and other electoral jurisdictions evaluated the accessibility of polling places using FEC criteria or criteria sufficiently similar to permit cross-state comparisons. Of the polling places evaluated, 14 percent were reported inaccessible, compared with 16 percent in 1990, 21 percent in 1988 and 27 percent in 1986. Stairs without ramps remain the greatest physical obstacle. And while we expect the percentage of inaccessible sites to continue to drop as a result of the ADA, technology could play an invaluable role in facilitating the collection and sharing of this information, leading to increased voting participation among the millions of older and disabled persons who face these barriers.

Having said that, AARP believes that the most significant and immediate contribution that technology can make to reform of the voting and election process is in the area of balloting and verification of voter registration. With respect to balloting, technology can afford all Americans the ability to express their electoral preference through the following types of improvements:

- Ballots and voting systems can be made more accessible to and easily understood by the voters. Extra efforts, such as equipping polling places and balloting devices with large-type instructions and telecommunications devices for the deaf, may be necessary to assist people with disabilities. Similarly, technological innovations should be designed to

compensate for barriers to access by persons with visual and other disabilities, such as the problems of dexterity that are so common among older people.

- Voting systems can and should be instituted that minimize human and mechanical errors while allowing for effective monitoring. The current manual systems afford many opportunities for intentional and unintentional human interventions that can result in unlawful or invalidated ballots. Systems improved by technology (such as internet voting, optical scanners, and touch screen technology) are less vulnerable to manual fraud. They must, however, be protected from internal tampering (programmer manipulation) and external tampering (hackers). This makes it essential that such innovations be built with the capacity for *objective monitoring* to ensure that any tampering will be detected. Such monitoring results must be officially witnessed, certified and made publicly available. Similarly, technology such as optical scanners already exists to minimize human error in expressing one's voting preference. AARP does not endorse any specific technology for eliminating human error; there are a variety of applications that permit the development of systems that are sensitive to physical and other human limitations.
- Voters can and should be more thoroughly informed about the mechanics of voting. The capacity already exists for technology to provide advance information via the Internet or even on-site training through special modules. Access to such training could be provided through a wide variety of public and community based agencies. Indeed, education and training innovations could effectively address other sensitive voting rights issues, such as language barriers. Investment in such public education would not only provide direct education to the voter, it would also decrease the likelihood of voter error – especially if voters were given the opportunity to do a “dry run” before actually casting a ballot. Indeed, such voter education might increase voter turnout.

Finally, in the area of voter registration, strong protections against fraud and bias can be established through technology that permits instant verification of registration status. For example, dispensing protected codes on stickers for all new registrants that can be verified could reduce the number of eligible voters being refused the right to vote. Systems that permit voters to verify their registration status along with the location and hours of both central registration sites and assigned polling sites could virtually eliminate most human discrimination factors that impede some voters from exercising their franchise rights.

While AARP understands that technology is not the only solution to the major problems of voting and election reform in this country, it clearly could make a significant difference. However, federal funding will be essential in making it possible to implement any technological or other reforms that may become law. AARP believes that those areas with *the most significant demonstrated problems* receive priority for any funds available for making system and guideline changes. Finally, initiatives to reform registration or voting processes must be equitable in their impact on all classes of citizens who are either voters or potential voters.

This concludes my remarks. AARP stands ready to work with Congress, the Administration and state governments to reform our voting and elections systems so that all Americans can have confidence that they can participate in the vote and have their preferences in elections accurately counted. I would be happy to respond to any questions that you may have.